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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

CHRISTOPHER WISE, MICHAEL
MARTINEZ, CHRISTOPHER DURKEE, and
SAVANNAH GUEST, individuals,

Plaintiffs,

v.

CITY OF PORTLAND, a municipal
corporation; OFFICER STEPHEN B.
PETTEY, in his individual capacity; JOHN
DOES 1-60, individual and supervisory
officers of Portland Police Bureau; U.S.
DEPARTMENT OF HOMELAND
SECURITY; U.S. MARSHALS SERVICE;
JOHN DOES 61-100, individual and
supervisory officers of the federal government,

Defendants.

Case No. 3:20-cv-01193-IM

**PLAINTIFFS' AMENDED
SECOND MOTION FOR
EXTENSION OF TIME TO
IDENTIFY AND SERVE DOE
DEFENDANTS**

1- PLAINTIFFS' AMENDED SECOND MOTION FOR
EXTENSION OF TIME TO IDENTIFY AND SERVE
DOE DEFENDANTS

MOTION

Plaintiffs Christopher Wise, Michael Martinez, Christopher Durkee, and Savannah Guest (collectively, “Plaintiffs”), move for an additional extension of 60 days, until Friday, November 5, 2021, to identify and serve the Doe Defendants in this case. This motion is supported by the Declaration of Nathan Morales in Support of Second Motion for Extension of Time to Identify Doe Defendants. (“Morales Decl.”).

LOCAL RULE 7-1 CERTIFICATION

In compliance with Local Rule 7-1, counsel for Plaintiffs certifies that Plaintiffs made a good-faith effort to confer with the City through telephone conferences to resolve the dispute, which the parties were unable to do.

MEMORANDUM

On June 8, 2021, the Court granted Plaintiffs 90 days to identify and serve the Doe Defendants. ECF 92. In that order, the Court also required that Plaintiffs establish good cause for any additional extensions. Here, good cause exists to grant an additional extension, because Plaintiffs have diligently taken steps to obtain and serve the Doe Defendants over the last 90 days, and simply need to take a few additional steps to conclude this process.

Plaintiffs have taken numerous steps to obtain the identities of the Doe Defendants. With respect to the Federal Doe Defendants, after the Court issued its order, Plaintiffs served discovery requests on the federal agencies that employ the Does. ECF 91. As the Court knows, however, those agencies refused to comply with Plaintiffs’ discovery request, because they believed they no longer were parties to this case. ECF 96. Instead, the agencies demanded that Plaintiffs issue third-party discovery requests and subpoenas to them. ECF 94. In response, Plaintiffs (who had a good-faith basis to believe that the agencies still were parties to this suit) filed a motion seeking to reinstate the agencies as parties. ECF 93. The Court, however, recently denied that motion, so Plaintiffs now have been working on third-party discovery to the

2- PLAINTIFFS’ AMENDED SECOND MOTION FOR
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agencies. ECF 98.

Concerning the City Doe Defendants, Plaintiffs also issued discovery requests to the City, to obtain the identities of those Does. ECF 91. Since then, the City and Plaintiffs have had a number of conferrals about this issue. Morales Decl. at ¶ 2. The City issued its own discovery requests to Plaintiffs, to assist in this task, and Plaintiffs intend to provide responses to the City this week. *Id.*

Given the facts above, it is clear Plaintiffs have worked diligently to identify the Doe Defendants in this case. Because of some procedural hurdles and the slow nature of the discovery process, however, Plaintiffs have not been able to actually obtain those identities yet. Thus, Plaintiffs request that the Court grant Plaintiffs an additional 60 days to complete that process.

DATED: September 9, 2021

PERKINS COIE LLP

By: /s/ Nathan R. Morales

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3- PLAINTIFFS' AMENDED SECOND MOTION FOR
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